

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/25/2000

CLERK OF THE COURT
FORM R109B

HONORABLE JAMES H. KEPPEL

B. Giles
Deputy

CR 1999-093090

FILED: _____

STATE OF/ARIZONA

AMY E/CURTIS

v.

BRANDON M/CANNING
DOB: 03/29/73

DAVID B CASSIDY

APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
MCSO-DIS
RFR
VICTIM WITNESS DIV-CA-SE

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:20 a.m. State is represented by above-named Deputy County Attorney.
Defendant is present and represented by above-named counsel.

Court Reporter, Laurie Yazwa, is present.

Let the record reflect that the Court is in possession of
correspondence written on behalf of the Defendant.

Anthony R. Canning, the Defendant's father, addresses the Court on
behalf of the Defendant.

The acceptance of the Defendant's plea having previously been deferred
is now accepted and entered of record.

The Defendant is advised of the charge, the determination of guilt and
is given the opportunity to speak.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

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WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of Guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: COUNT 1: BURGLARY IN THE THIRD DEGREE, a class 4 DESIGNATED FELONY, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 13-1501, 13-1506, 13-701, 13-702 and 13-801 committed on July 27, 1998.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on probation as to COUNT 1 for a period of 4 YEARS commencing immediately following release from D.O.C. in CR 99-92829 under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

As a condition of probation,

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing on April 1, 2003 and due on the same day of each month thereafter during the term of probation.

RESTITUTION: IT IS ORDERED the Defendant shall make and pay restitution to the victim(s) of this crime, for the economic loss of the victim(s), through the Clerk of the Superior Court in the total amount of \$4,565.00. Restitution is owed in the following amounts to the following persons:

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Terry Pollman

\$3,465.00

Douglas Penrose

\$1,100.00

Payment is to be made in regular monthly payments of \$100.00 commencing April 1, 2003 and on the same day of each month thereafter until paid in full.

Restitution ledger provided.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$20.00 to the Clerk of the Superior Court of Maricopa County as follows:

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

Payment is to be made on or before April 1, 2003.

Special Terms: 16. Have no contact with victim(s) unless approved in writing by the probation officer.

IT IS ORDERED granting the Motion to Dismiss Count 2, CR 99-90837, CR 99-90853 and any felony charges against this Defendant arising out of Phoenix P.D. DR #82084860, Tempe P.D. DR #98-184874, DR #98-132099, DR #98-168415, Phoenix P.D. DR #82027906, Scottsdale P.D. DR #98-28053 and Phoenix P.D. DR #82027886 and CR 99-90853.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

IT IS FURTHER ORDERED that the Defendant be released from custody as to this case only.

ISSUED: Order of Release.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

Let the record reflect the presentence investigation report is filed under CR 99-90823.

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Let the record reflect that the Defendant's thumbprint is permanently
affixed to this sentencing order in open court.

9:38 a.m. Matter concludes.

/s/ HONORABLE JAMES H. KEPPEL
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)